

**APPELLANT’S DESIGNATION OF PORTIONS OF RECORD TO BE
INCLUDED IN APPENDIX PURSUANT TO FED. R. APP. P. 30(b)**

**In The United States Court of Appeals
For The Second Circuit**

Docket No. 14-3490

LEXON INSURANCE COMPANY,

Plaintiff-Appellant,

vs.

WELLS FARGO BANK, N.A.,

Defendant-Appellee.

ON APPEAL FROM A JUDGMENT, ENTERED AUGUST 21, 2014, OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK (CIVIL ACTION NO. 13-CV-003407-AKH)

Lexon Insurance Company (herein after “Lexon”), appellant herein, by Andrew S. Kent, Esq., counsel at Wolff & Samson PC, designates the following as the portions of the record which it intends to include in the appendix to the brief:

1. The docket entries in the district court as certified by the clerk of said court and transmitted by the clerk to this Court.
2. The following pleadings of the parties:
 - (a.) Complaint, Filed May 21, 2103 [Docket Entry No. 1];
 - (b.) Answer, Filed July 26, 2013 [Docket Entry No. 8];

- (1.) Exhibit A to Foregoing Answer – February 22, 2008 Credit Agreement [Docket Entry Nos. 8.1, 8.2 and 8.3];
- (2.) Exhibit B to Foregoing Answer – February 22, 2008 Security Agreement [Docket Entry Nos. 8.4 and 8.5];
- (3.) Exhibit C to Foregoing Answer – UCC Financing Statements [Docket Entry No. 8.6];
- (c.) Defendant’s Notice of Motion for Judgment on the Pleadings Pursuant to Fed. R. Civ. P. 12(c), Filed December 9, 2013 [Docket Entry No. 12];
- (d.) Defendant’s Memorandum of Law in Support of Motion for Judgment on the Pleadings, Filed December 9, 2013 [Docket Entry No. 13];
- (e.) Plaintiff’s Cross-Notice of Motion for Leave to File a First Amended Complaint Pursuant to Fed. R. Civ. P. 15(a)(2), Filed January 10, 2014 [Docket Entry No. 15];
- (f.) Plaintiff’s Brief in Opposition to Defendant’s Motion for Judgment on the Pleadings and in Support of Its Cross-Motion For Leave to File a First Amended Complaint, Filed January 10, 2014 [Docket Entry No. 16];
- (g.) Declaration of Counsel Andrew S. Kent, Filed January 10, 2014, in Opposition to Defendant’s Motion for Judgment on the Pleadings and in Support of Its Cross-Motion For Leave to File a First Amended Complaint [Docket Entry No. 17]
- (1.) Exhibit A to Foregoing Kent Declaration – Lexon’s Proposed First Amended Complaint [Docket Entry No. 17-1];
 - (a.) Exhibit 1 to Foregoing Proposed First Amended Complaint – “Factoring Agreement (Collection),” Dated February 22, 2008, Between Accessory Network Group ANG and Wells Fargo Bank, NA [Docket Entry No. 17-2];

- (b.) Exhibit 2 to Foregoing Proposed First Amended Complaint – “Peaceful Possession of Collateral Agreement,” Dated November 28, 2011 [Docket Entry No. 17-3];
- (c.) Exhibit 3 to Foregoing Proposed First Amended Complaint – “Secured Party Bill of Sale,” Dated March 6, 2012 [Docket Entry No. 17-4];
- (2.) Exhibit B to Foregoing Kent Declaration – Several Demands received by Lexon From The Department of Homeland Security, U.S. Customs and Border Protection [Docket No. 17-5];
- (3.) Exhibit C to Foregoing Kent Declaration – Email, Dated November 11, 2013, From Andrew S. Kent, Esq. to Richard G. Haddad, Esq. [Docket No. 17-6];
- (4.) Exhibit D to Foregoing Kent Declaration – Email, Dated December 4, 2013, From Andrew S. Kent, Esq. to Richard G. Haddad, Esq. [Docket No. 17-7];
- (5.) Exhibit E to Foregoing Kent Declaration – Email, Dated December 12, 2013, From Richard G. Haddad, Esq. to Andrew S. Kent, Esq. [Docket No. 17-8];
- (h.) Defendant’s Reply Memorandum in Further Support of Its Motion for Judgment on the Pleadings and in Opposition to Plaintiff’s Cross-Motion for Leave to file a First Amended Complaint, Filed January 31, 2014 [Docket No. 19];
- (i.) Order of Honorable Alvin K. Hellerstein, U.S.D.J., Filed August 20, 2014, Granting Motion for Judgment on the Pleadings and Denying Cross-Motion to Amend the Complaint [Docket No. 20];
- (j.) Clerk’s Judgment, Filed August 21, 2014, Sought to be Appealed [Docket No. 21];
- (k.) Plaintiff’s Notice of Appeal, Filed September 18, 2014 [Docket No.

22].

The Appellee may, within 14 days after receiving this designation, serve on Appellant a designation of additional parts to which it wishes to direct the Court's attention pursuant to Fed. R. App. P. 30(b)(1).

Dated: October 2, 2014
West Orange, New Jersey



Andrew S. Kent, Esq.
Wolff & Samson, PC
One Boland Drive
West Orange, New Jersey 07052
(973) 325-1500
Fax No. (973) 325-1501
Email: akent@wolffsamson.com

*Attorneys for Plaintiff-Appellant
Lexon Insurance Company*